



Classification	Item No.
Open	

Meeting:	Annual Council
Meeting date:	19 May 2021
Title of report:	Overview and Scrutiny Annual Report
Report by:	Julie Gallagher – Democratic Services Manager
Decision Type:	Council
Ward(s) to which report relates	All

Executive Summary:

This report provides a summary of progress and key outcomes made over the past year by the Council’s Scrutiny Committees. It also highlights work undertaken by the Joint Health Overview and Scrutiny Committees for Pennine Care and Pennine Acute.

Recommendation(s)

Option 1 (Recommended)

1. Note the contents of the report and progress made by the Council’s Scrutiny Committees over the past two years.

Option 2 (Not recommended)

1. Reject the above recommendation

1.0 BACKGROUND

- 1.1 As a result of Covid-19 and the lack of a 2019-20 Annual report, this report summarises the activities of the Council's Scrutiny Committees and reports on some of the highlights and achievements of the last 2 years.
- 1.2 Throughout the period, the Overview and Scrutiny Committee has tackled a wide and varied work programme cutting across all Council Departments. The Committee have engaged with Cabinet Members prior to decisions being taken and also held them to account on service areas and policy.
- 1.3 The primary focus for the Health Scrutiny Committee during 2020-21 has been the Council's approach to dealing with the pandemic, including scrutiny of health partners.
- 1.4 The Council has continued to take the lead role in administering the two Joint Health Scrutiny Committees established in January 2004, which review the work of the Pennine Acute Hospitals NHS Trust and the Pennine Care NHS Foundation Trust. Excellent working relationships have continued with Members and Officers in both the NHS and in the partner Local Authorities of, Stockport, Oldham, Rochdale and Tameside.

2.0 OVERVIEW AND SCRUTINY IN BURY

- 2.1 Overview and Scrutiny Committees are an important part of the way we make decisions. Although they have no Executive powers, the scrutiny process does allow Members to explore issues in depth and help to influence decisions through recommendations to the Cabinet or Full Council.

- 2.2 In Bury, the role of scrutiny bodies can be broken down into these two main functions:-

2.3 Holding the Cabinet to Account

This involves scrutinising decisions before they are implemented by way of 'Call-in' to the relevant Scrutiny Committee for debate. The effect of a 'Call-in' is to suspend the decision until the Scrutiny Committee has had the opportunity to consider the implications of the decision and, where appropriate, to offer comments back to the Cabinet.

2.4 Policy Development

- 2.5 This involves Scrutiny Committees undertaking reviews of functions within their individual remits leading to recommendations to the Cabinet, and to assist in the development of future policies and strategies.

In Bury the following Committees are constituted to carry out Overview and Scrutiny in Bury:

2.6 Overview & Scrutiny Committee

Set up to scrutinise Cabinet decisions and Council performance, the Overview & Scrutiny Committee operates within the following terms of reference:

- To review and scrutinise the decisions made or actions taken in connection with the discharge of any of the Council's functions.
- To review and scrutinise the performance of the Council in relation to its policy objectives, performance targets and all particular service areas.
- To set up, appoint and monitor Overview Project Groups (set up to carry out reviews of policies, services or the impact of decisions).
- To make recommendations to the Cabinet and/or appropriate Committee and/or Council arising from the outcome of the Scrutiny process.
- To review or scrutinise decisions made or other action taken in connection with the discharge by the responsible authorities of their crime and disorder functions.
- Oversight of the provision, planning and management of the assets and audit arrangements.
- Oversight of the Council's corporate plans and strategies and the monitoring of the corporate plan and departmental plans.
- To scrutinise outside bodies and partners relevant to the Council.
- To receive all reports from external inspectors.

2.7 Health Scrutiny Committee

2.8 A dedicated Health Scrutiny Committee was set up to scrutinise partner organisations on issues relevant to the residents of the Borough. Full terms of reference are:

- To carry out the Council's statutory obligations in relation to reviewing and scrutinising any matters relating to the planning provision and operation of health services in the area of the Council.
- To oversee the health and well being of the borough's population

- To scrutinise the provision, planning and management of Adult Care Services.
- To monitor the implementation of any scrutiny recommendations accepted by the Cabinet.

2.9 **Overview Project Groups**

The Overview & Scrutiny Committee is responsible for setting up and monitoring reviews carried out by Overview Project Groups. These Groups are tasked with reviewing particular policy areas with a view to making recommendations that will ultimately result in service improvements.

3.0 **KEY OUTCOMES**

3.1 During 2019-2021 the Council's Scrutiny Committees and Overview Project Groups have looked at a wide range of topics and issues. Various methods have been used to examine and investigate issues which have resulted in positive outcomes in terms of policy development and holding decision makers to account.

➤ **Covid-19**

The Committee has kept a focus on the effects of the pandemic, with particular attention to the allocation of grant funding to support local businesses and the effect on educational performance across the Borough.

➤ **Bury 2030**

The Committee have been involved in the development of the Bury 2030 Strategy, receiving regular updates from the Cabinet Member. Moving forward the Committee have requested a formal process be introduced to measure and monitor progress through the Council's scrutiny function.

➤ **Regeneration**

The Committee have sought to scrutinise regeneration projects and growth aspects within the borough, which has included updates from the Leader on the delivery of specific regeneration schemes within townships, including an update on the work across Greater Manchester and the One Public Estate programme.

➤ **Education Performance**

The Committee have continued to scrutinise the work of Children's Services, with regular attendance by the Director and Cabinet Member to report on education performance, Special Educational Needs, safeguarding, early years, integrated youth services and funding issues.

➤ **Performance Monitoring**

As part of its performance monitoring role, the Overview and Scrutiny Committee has received regular reports in relation to Corporate Performance; Financial Monitoring; Treasury Management; and all the draft Budgetary reports in advance of the Full Council Budget meeting. During 2020/21 interim budget updates were provided to assist the budget setting processes of the Council.

3.2 Decisions Called In

Under the Council's Constitution, the Overview and Scrutiny Committee and Health Scrutiny Committee has the power to call in decisions made by the Cabinet, individual Cabinet Members and key decisions made by officers. During 2019-2021 decisions "called in" included:

- **Children's Centres Management Arrangements** – The reason for call in was to understand the financial implications and social hardship that will be caused by transferring centres to private ownership. The decision was supported with no comments offered.
- **Housing Strategy** - The reason for call in was in respect of the level of information provided as to how the consultation methodology will reflect the views of all residents within the stated time frame. The decision was supported with no comments offered.
- **Terms of Reference for Radcliffe Regeneration Delivery Board** – The decision was called in to allow the Committee to seek clarity as to how the members of the board was established; the size and scope of the budget available; the responsibilities of the board. The decision was supported with no comments offered.

4.0 Local Health Scrutiny Committee

➤ **Covid-19**

By far the main focus of the Committee during the recent period has been on Covid 19 and the Council's response and recovery. Regular updates have been received from the Director of Public Health and Chief Executive. Throughout the course of the pandemic the Committee have been updated on the following aspects:

- Introduction of testing & contact tracing
- Risks and challenges in recovery
- Recovery phasing
- Recovery principles
- Recovery priorities
- Role of Community Hubs
- Cohorts to consider in recovery
- Overall recovery for Bury

➤ **Mental Health Services**

The Committee has given a high priority to the consideration of mental health services during the Covid outbreak and the recovery plans.

In response to the current pandemic, the One Commissioning Organisation has worked in partnership with all providers to design a graduated multi agency approach to support children and adults. The Committee have resolved to ensure that overview and scrutiny of mental health services remains central to its work going forward into 2021-22.

➤ **Persona Care**

The Committee have received regular updates on the work of Persona, including proposals for contract renewal.

Other issues considered by the Committee:

- Health and Care Recovery and Transformation
- Urgent and Emergency Care
- Intermediate Care Review
- Health Visitors Update
- Abuse Allegations in Care Homes
- Joint Strategic Needs Assessment Update
- Annual Complaints Report

5.0 WORK OF THE JOINT HEALTH OVERVIEW & SCRUTINY COMMITTEES (JHOSC)

5.1 The two Joint Health Overview and Scrutiny Committee were established jointly by Bury, Manchester, Oldham and Rochdale Councils to consider issues affecting the health of local people (the overview role) and to call the NHS to account on behalf of the local communities (the scrutiny role).

5.2 Each of these Councils has appointed three representatives to sit on each Committee.

6.0 LOOKING FORWARD – ESTABLISHMENT OF CHILDREN AND YOUNG PEOPLE SCRUTINY COMMITTEE

6.1 A workshop to review of the work of the Safeguarding Scrutiny Sub-committee and consider the effectiveness of local safeguarding arrangements was held in January 2021 involving all members of the Sub-committee, Sheila Durr - Executive Director Children and Young People; Councillor Caserta - Chair of Overview and Scrutiny Committee; Cllr Stella Smith –Chair of Health Scrutiny Committee and Councillor Susan Southworth - Chair of the Safeguarding Scrutiny Sub-Committee.

6.2 The workshop confirmed the essential role of overview and scrutiny in the safeguarding process and the need for independent internal scrutiny and challenge. Safeguarding and promoting the welfare of children is defined in statutory guidance as:

- Protecting children from maltreatment.
- Preventing impairment of children's health or development.
- Ensuring that children are growing up in circumstances consistent with the provision of safe and effective care.
- Taking action to enable all children to have the best life chances.

6.3 As part of their assessment of the functioning of the children's system, Ofsted look at the commitment of members and local leadership and the role scrutiny plays in improvement. It is that whole system approach to local accountability which serves to amplify the voices of children, young people, families and foster carers. A separate children's scrutiny body would reflect on the priority given to children and families and maintain that focus.

6.4 It was agreed that the work of the Safeguarding Scrutiny Sub-Committee needed to have a higher profile and access to the full range of statutory scrutiny powers to enable it to take evidence, undertake reviews, develop a work plan and report directly to Cabinet or Council from time to time. It was proposed that it be reconstituted as a Children and Young Persons Overview and Scrutiny committee to achieve this.

6.5 This proposal was formally agreed at Full Council in March 2021 and will take effect from June 2021.

7.0 CONCLUSION

7.1 The Scrutiny function is well established in Bury, with good examples of in depth reviews and partnership working.

Community impact/links with Community Strategy

Delivery of effective scrutiny is an essential element of delivering the Council's Corporate Plan and underpins all of its Corporate Priorities.

Equality Impact and considerations:

Under section 149 of the Equality Act 2010, the 'general duty' on public authorities is set out as follows:

A public authority must, in the exercise of its functions, have due regard to the need to -

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;*
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;*
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.*

The public sector equality duty (specific duty) requires us to consider how we can positively contribute to the advancement of equality and good relations, and demonstrate that we are paying 'due regard' in our decision making in the design of policies and in the delivery of services.

Equality Analysis	<i>Please provide a written explanation of the outcome(s) of either conducting an initial or full EA.</i>
There are no equalities implications	

**Please note: Approval of a cabinet report is paused when the 'Equality/Diversity implications' section is left blank and approval will only be considered when this section is completed.*

Assessment of Risk:

The following risks apply to the decision:

Risk / opportunity	Mitigation

Consultation:

Legal Implications: Overview and Scrutiny is a legal requirement for local authorities under the Local Government Act 2000. There are no legal implications arising from this report.

Financial Implications:

The scrutiny function of the Council takes place within existing budgetary provision.

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Background papers:

Please include a glossary of terms, abbreviations and acronyms used in this report.